

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

KIRK WOOL,

Petitioner,

v.

ANDREW PALLITO, Commissioner,
Vermont Department of Corrections,

Respondent.

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File No. 1:13-cv-312-jgm-jmc

ORDER

The Magistrate Judge's Report and Recommendation was filed December 13, 2013. (Doc. 3.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The Court finds Wool's current Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is second or successive under 28 U.S.C. § 2244(b). Accordingly, the Petition is hereby TRANSFERRED to the United States Court of Appeals for the Second Circuit.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 9th day of January, 2014.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
United States District Judge